

United States District Court

EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

CRAIG CUNNINGHAM

v.

NIAGARA RESTITUTION SERVICES,
INC., ET AL.

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Civil Action No. 4:18-CV-682

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(Judge Mazzant/Judge Nowak)

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MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On March 13, 2019, the report of the Magistrate Judge (Dkt. #45) was entered containing proposed findings of fact and recommendations that Plaintiff/Counter-Defendant Craig Cunningham's Motion to Dismiss the Defendant's Counterclaim (Dkt. #34) be denied without prejudice to refiling.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the Court.

It is, therefore, **ORDERED** that Plaintiff/Counter-Defendant Craig Cunningham's Motion to Dismiss the Defendant's Counterclaim (Dkt. #34) is **DENIED** without prejudice to refiling.

It is further **ORDERED** that within fourteen (14) days of the date of this Memorandum, Defendant/Counter-Plaintiff Niagara Restitution Services, Inc. shall file an Amended Counterclaim.

IT IS SO ORDERED.

SIGNED this 22nd day of April, 2019.


AMOS I. MAZZANT